

ATTACHMENT - REMARKS

Claims 1-16 are currently pending and are being amended, *inter alia*, to more clearly recite the features of original claims 1-16. Claim 17 has been cancelled. Applicant respectfully requests reconsideration of the allowability of the application in view of the foregoing amendments and the following remarks.

Objections to the Drawings

The Examiner objected to the drawings under 37 CFR § 1.83(a) as failing to show every feature of the invention as specified in the claims. In particular, the Examiner indicated on page 2 of the Office Action that "the 'fitting out'; the transportation carriage; and the connecting by welding must be shown or the feature(s) canceled from the claims." Applicant respectfully submits that these objections have been addressed by way of amendment to the claims as follows.

- 1) The "fitting out" language in claim 7 has been canceled, while in claim 15 this term has been deleted and replaced with the more common US terminology "equipping". Applicant respectfully submits that a person of ordinary skill in the art would readily appreciate that equipping the shell segments with the elements claimed - ladder sections or cable fixtures - may be done in the same manner that such elements are equipped to conventional tower sections at the site of the windmill. Both claims 7 and 15 focus on to what and where the claimed elements are equipped (i.e., the shell segments); and not to any specific means of attachment. As such, Applicant submits that a detailed illustration of the elements and their attachment is not essential for a proper understanding of the invention. As 37 C.F.R. § 1.83(a)

indicates that such features "should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box)," a suitable corrected drawing sheet with schematic representations thereof is being submitted with this Response; and consistent changes to the specification are also made to reference these additions (together with the correction of "1" to "14", a numbering error which was noted during review of this paragraph).

- 2) With respect to the transportation carriage, it will initially be noted that claim 17 - the claim primarily referring to this feature - has been cancelled. With respect to method claim 8 which also refers to the transportation carriage, it will be appreciated that this carriage is depicted in figure 6 and it is the structure to which wheels 15 are attached (a type of flat bed trailer). This depiction has been made clearer by a suitable addition to the specification.
- 3) In terms of the connecting by welding, the amended drawing of figure 3 now shows such welds explicitly for the vertical flanges for a better understanding of the invention from the drawings. For the weldings of the tower sections, those welds are already shown in figures 1 and 2.

Therefore, for the foregoing reasons, it is submitted that the objections to the drawings have all been overcome.

Rejections under 35 USC § 112

Claims 1-3, 5-8, 15, 17 stand rejected under 35 USC § 112, second paragraph, as being indefinite. Applicant has amended the claims to eliminate the language and/or recitations identified by the Examiner as giving rise to the rejections in a self-evident

manner; as well as making other corrections of a self-evident nature to better conform the claim language to US practice. Accordingly, Applicant respectfully requests that the rejections be withdrawn.

Rejections under 35 USC § 103(a)

The Examiner rejected claims 1-17 under 35 USC § 103(a) as being unpatentable over several prior art references, either alone or in combination. In particular, the Examiner rejected independent claim 1 and dependent claims 2-3 (and evidently claim 6) as being unpatentable over Fons (U.S. Patent No. 6,715,243), dependent claims 4-5 (and evidently claim 7) as being unpatentable over Fons in view of Shea (U.S. Patent No. 1,765,946), independent claim 8 and dependent claims 9-16 as being unpatentable over Shea, and independent claim 17 as being unpatentable over French (U.S. Patent App. Pub. No. 2002/0064434). Because independent claim 17 has now been cancelled, Applicant's remarks will focus on Fons and Shea.

By way of background, the present application relates to a tower for a windmill and a method of constructing same. Designing such towers is a challenging task due to the particular nature of windmills. In particular, the towers must not only support the weight of windmill components (e.g., nacelle, hub, and blades), but must also be designed to withstand significant lateral loads created by the wind acting on the blades. Loads and vibrations are also cyclical in nature due to the rotation of the blades, further complicating matters. Applicant has amended the independent claims of the application to more clearly focus on a windmill arrangement and its particular design considerations.

For example, independent claim 1 has been amended to recite a "windmill" rather than a "steel tower for a windmill." The claim has also been amended to recite that tower sections are "configured to support the windmill" to further clarify this feature as being part of the claims. Likewise, claim 8 has been amended to recite providing one or more tower sections and "using the tower sections to support a windmill."

In contrast, both Fons and Shea relate to tanks for storing bulk materials or liquids. There is no disclosure of the tanks supporting a windmill. Nor would it have been obvious to configure or use such tanks to support a windmill. The tanks in Fons and Shea are merely designed to support their own weight and the internal weight of their contents. The lateral loads associated with windmills, together with their cyclical nature, are not taken into consideration in these prior art reference. As such, Applicant initially submits that there is no reasonable expectation of success of using the tanks to support windmills.

In addition, it is now claimed that both the vertical and horizontal flanges of the present invention are "inwardly facing", a feature which decreases wind resistance compared to the flanges of Fons which does not have any concern or teaching with wind resistance as the structure is a silo.

Therefore, for at least these reasons, Applicant respectfully requests that the rejection of amended independent claims 1 and 8 under 35 USC § 103(a) be withdrawn. And because claims 2-7 and 9-16 depend from claims 1 and 8, respectively, Applicant requests that the rejection of these claims also be withdrawn for at least the above reasons as well.

It is also submitted that the specific features of dependent claims 3 and 9 are also neither disclosed nor made obvious by Fons. And it will be noted that claim 3 was not intended as a product by process claim as the examiner has interpreted it, and which claim is definitely not a product by process claim as now amended.

It is further submitted that the specific features of dependent claims 4-5 and 12-13 are also not disclosed by Shea (or by Fons). While Shea does disclose "burning strips" located between adjacent flanges, these strips are designed to be easily burned (as by a gas torch) away without harm or damage to the adjacent flanges, in order to permit reuse of the sections thus separated sections. However, the spacer bars of the present invention are not provided for this or a related reason, but rather to reinforce the connection. Further, the vertical flanges of the present invention are claimed as being located "offset from the side edges" as part of this strong joint, which offset is also neither disclosed nor made obvious by the burning strips of Shea.

Therefore, for all of the foregoing reasons, it is submitted that the above noted dependent claims are additionally allowable over Fons or Shea, either singly or in combination.

For all of the foregoing reasons, it is submitted that the present application is in condition for allowance and such action is solicited.

Respectfully submitted,

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